THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.28187 of 2005

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23.01.2006

Between:

Smt.Rashmi Mishra, W/o.Sri Rajlal

... Petitioner

AND

The Commissioner,

Municipal Corporation of Hyderabad,

Hyderabad.

And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.28187 of 2005

ORDER:

The petitioner is resident of Chowk Maidan Khan area near Charminar, Hyderabad. She is the owner of house bearing No.22-5-901. She succeeded to a portion of the property by reason of a Will executed by her junior mother-in-law, Suseela Mishra. According to the petitioner, the main road from Charminar to Chowk Maidan Khan is towards southern side upto a distance of 150 feet from her house. There is a common passage of 7 feet width upto to the petitioner's house, which is the only passage for ingress and egress. The third respondent appears to have constructed first floor and a balcony encroaching into the common passage. She also opened the ventilators towards her house. Therefore, the petitioner gave a notice on 28.9.2005 to respondents 1 and 2 requesting for necessary redressal, in vain. Therefore the present writ petition is filed seeking a direction to respondents 1 and 2 to take appropriate action against the third respondent, who encroached upon the common passage by opening windows and ventilators towards petitioner's house.

Heard the learned Counsel for the petitioner and learned Standing Counsel for

Municipal Corporation of Hyderabad (MCH).

The learned Standing Counsel for MCH submits that MCH is taking necessary action on the representation made by the petitioner. Therefore, the writ petition is disposed of observing that the respondents 1 and 2 should inspect the area with reference to the town plan of the area and take necessary action for removal of the encroachments on the road immediately, after issuing a notice to the third respondent. This exercise may be completed within a period of three weeks from the date of receipt of a copy of this order. It shall be open to the MCH to take immediate necessary action for preventing the third respondent from making any further construction, which is dangerous to life of the persons living in the area.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

January 23, 2006.

NOTE:

Issue order copy in two days.

(By order)

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